

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q88086

Eiji TSURU, et al.

Appln. No.: 10/535,415

Group Art Unit: 3617

Confirmation No.: 5974

Examiner: Jason. R Bellinger

Filed: May 19, 2005

For: RUBBER TRACK

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Office Action dated September 11, 2007. The Examiner has identified the application as containing claims directed to more than one distinct species, as noted in the Restriction Requirement dated May 23, 2007. Applicant responded on July 20, 2007 and the Examiner issued a further Office Action dated Step 11, 2007 elaborating on his election requirement. The Examiner has required the Applicant to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted. The Examiner believes claim 1 is generic. Applicant has been advised that a response to this requirement shall include an identification of the species that is elected and a listing of all claims readable thereon.

In response to the Examiner's requirement, Applicant elects: species a (ii) drawn to Figures 3-7; species b (i) drawn to Figure 9; species c (i) drawn to Figure 12; and species d (i)

drawn to Figures 1-17. At least claims 1-3, 7, 10-12, 16 and 17 are readable on the elected species. The claims which are readable on each of the subspecies are as follows.

<u>Subspecies</u>	<u>Readable Claims</u>
ii drawn to Figures 3-7	claims 1 and 2
i drawn to Figure 9	claims 1 and 11
i drawn to Figure 12	claims 1, 7, 10 and 12
i drawn to Figures 1-17	claims 1, 3, 16 and 17

The above-noted election is made with traverse. In particular, the species noted in the May 23, 2007 Office Action are divided according to the exemplary *components* of the present application, but *not* the embodiments or the contents of the present invention. It will be appreciated that the effects of the embodiments in the present application cannot be realized by *use of only one of the components thereof*, i.e., only one of the above species a-d.

Therefore, Applicant respectfully submits that it is not feasible to elect one of the species set forth in the May 23, 2007 Office Action. It is submitted that the present application should rather be divided, for example, into the following species in Table 1, if the Examiner's desire to restrict remains.

Table 1

<u>Species</u>	Readable Claims
I	claims 1-19 (Figs. 1-26)
II	claims 27-31 (Figs. 27-29)
III	claims 20-26 (Figs. 30-35)

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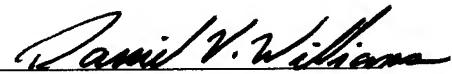
Attorney Docket No.: Q88086

Applicant respectfully urges the Examiner to adapt Applicant's categorization of the species. Thus, if the Examiner agrees with Applicant, Applicant alternatively elects Species I (claims 1-19) from the above Table 1.

Applicant submits that if any of the elected claims is found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application. Applicant reserves the right to file a Divisional Application directed to any non-elected claims.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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